



STATE OF CONNECTICUT

DEPARTMENT OF SOCIAL SERVICES

LONG TERM CARE OMBUDSMAN PROGRAM

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PUBLIC HEALTH COMMITTEE

PUBLIC HEARING

TESTIMONY

WEDNESDAY, MARCH 23, 2011

10 AM in Room 1 D of the LOB

Good morning to the Chairs and members of the Public Health Committee. My name is Nancy Shaffer and I serve as the State Long Term Care Ombudsman. In my role as an advocate for the residents of our Residential Care Homes (RCHs), I am here to speak to a number of bills on today's agenda.

Raised HB 6593 An Act Concerning Residential Care Homes.

The Ombudsman Program has grave concerns as to the potential consequences of amending our current State Statutes regarding the definition of Residential Care Homes in this legislative proposal. We fear doing so may seriously impact the Resident Bill of Rights.

As we all know, CT Statutes are so often intertwined, wherein one section refers to another section which, in turn, refers to still another section and so on. Oftentimes, well intentioned changes have unintentional results in the future. We believe this to be the case with this legislative proposal.

For example, in our reading of the Statutes, CGS sec 19a 550 speaks to resident rights which then refers back to 19a 521 as the definition of a nursing home facility which includes residential care home as then defined in sec 19a-490 which refers to a variety of institutional settings and their definitions.

We believe this inextricable relationship between the Resident Bill of Rights and the existing referenced definitions will dangerously harm the rights of residents of Residential Care Homes by removing the very statute which was designed to protect them. We urge you to delete this portion of the proposal.

We strongly support any increased training as well as increased supervision/monitoring as it relates to medication administration by unlicensed personnel in our Residential Care Homes.

Ironically, where HB 6593 proposes to remove Residential Care Homes from existing institutional definitions, it goes further to propose a new pilot Medical Model. Unfortunately, the Ombudsman Program was not involved in any discussions regarding the development of the purpose of the Medical Model Pilot proposal and therefore has many questions.

Many of the residents we represent in nursing homes, assisted living and residential care homes express a very sincere dislike of a medical model and find such a model tends to be institutional in nature and not resident/person directed.

The Long Term Care Ombudsman Program adds its support of **Raised Bill No. 6617 An Act Concerning Continuity of Care in Nursing Homes.**

This bill ensures that the resident receives Residents' Rights information prior to or at the time of admission and in a language understood by the consumer. An important protection provided in this bill is, that at a time when the facility experiences any type of a workforce issue such as a labor dispute, the facility must readdress Residents' Rights with the resident and/or responsible party. This bill strengthens the long term care consumer's awareness of their rights and thereby provides greater enhancements to their abilities to exercise those rights.

Raised Senate Bill No. 1184 An Act Concerning Health Care Facilities

The Ombudsman Program supports the Department of Public Health's efforts to increase and improve its oversight of health care facilities to ensure the health and safety of residents and patients.

Raised Senate Bill No. 1185 An Act Concerning State Payments to Nursing Homes and the Duties of Nursing Home Receivers

Over recent years the Long Term Care Ombudsman Program has advocated for and proposed legislation to provide prospective residents with information regarding the financial status of a nursing home including receiverships. The Ombudsman Program's proposal, **Raised Bill No. 1064 An Act Concerning Notification of Financial Stability of Nursing Home Facilities and Managed Residential Communities to Patients and Residents** is currently before the Human Services Committee for review. It addresses the same issue as SB 1185 which proposes to repeal Sec. 3. Subsection (a) of section 19a-545 of the general statutes and substitute language that the receiver is responsible to notify any person seeking admission to a facility is in receivership. The Ombudsman Program fully supports financial disclosure to prospective residents and their families. This gives them the opportunity to make this important decision based on complete information.

Thank you for this opportunity to testify on behalf of the residents who live in our Skilled Nursing Facilities and Residential Care Homes.